

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Janel E. Young, et al.
Serial No. : Art Unit:
Filed : March 10, 2004 Examiner:
For : Drug-Enhanced Adhesion Prevention

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March 10, 2004

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William K. Wissing

(Name of applicant, assignee, or Registered Representative)

(Signature)

March 10, 2004

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

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the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

☐ Statement in Accordance with §1.97(e) (attached); or

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the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

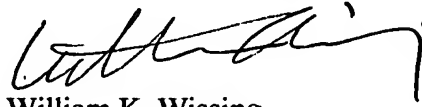
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH5095CIP/WKW. This form is submitted in triplicate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William K. Wissing', with a stylized flourish at the end.

William K. Wissing
Reg. No. 34,757
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-6201
Dated: March 10, 2004

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Application Number	
Filing Date	March 10, 2004
First Named Inventor	Janel E. Young, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	ETH5095CIP

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		5,532,221		Huang et al.	07/02/1996	
		5,665,428		Cha et al.	09/09/1997	
		5,711,958		Cohn et al.	01/27/1998	
		5,760,200		Miller et al.	06/02/1998	
		5,783,691		Malson et al.	07/21/1998	
		6,124,273		Drohan et al.	09/26/2000	
		6,127,348		Roufa et al.	10/03/2000	
		6,133,325		Schwartz et al.	10/17/2000	
		6,166,130		Rhee et al.	12/26/2000	
		6,214,384	B1	Pallado et al.	04/10/2001	
		6,280,745	B1	Flore et al.	08/28/2001	
		6,306,424	B1	Vyakarnam et al.	10/23/2001	
		6,333,029	B1	Vyakarnam et al.	12/25/2001	
		2002/0001609	A1	Calhoun et al.	01/03/2002	
		6,355,699	B1	Vyakarnam et al.	03/12/2002	
		2002/0055701	A1	Fischell et al.	05/09/2002	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 2 of 2		Application Number Filing Date First Named Inventor Group Art Unit Examiner Name Attorney Docket Number		March 10, 2004 Janel E. Young, et al. ETH5095CIP
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²	
		CASEY K. LEE et al., Spine 9(3) 305 (1984)		
		T. KITANO et al., Spine 16(7) 820 (1991)		
		JEROME R. WUJEK et al., Experimental Neurology 114 237 (1991)		
		STEPHEN D. COOKI et al., Spine 19(16) 1815 (1994)		
		Y. HE et al., Spine 20(5) 557 (1995)		
		JEFFREY S. ROSS et al., Neurosurgery 38(4) 855 (1996)		
		DOUGLAS B. JOHNS et al., Fertility and Sterility 68(1) 37 (1997)		
		NAOKI OKUYAMA et al., J. Surgical Research 78 118 (1998)		
		R. JOHN HURLBERT et al., J. Neurosurger(Spine 2) 90 191 (1999)		
		H. OSADA et al., J. International Medical Research 27 292 (1999)		
		FRED H. GEISLER, Neurological Research 21 Supplement 1, S9 (1999)		
		PETER B. ARNOLD et al., Fertility and Sterility 73(1) 157 (2000)		
		KATHLEEN E. RODGERS et al., Fertility and Sterility 73(4) 831 (2000)		
		ALI M. GHELLAI et al., J. Gastrointest Surg 4 310 (2000)		
		SONG LIU et al., J. Neurosurger(Spine 1) 94 61 (2001)		
		PETER LUNDORFF et al., Human Reproduction 16(9) 1982 (2001)		
		LIN-SHU LIU et al., J. Biomed Mater Res (Appl Biomater) 63 326 (2002)		
		KATHLEEN E. RODGERS et al., The Spine Journal 3 277 (2003)		
		SHINYA ADACHI et al., Jpn J Surg 29 51 (1999)		
Examiner Signature		Date Considered		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.

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